

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Troy Adam ASHMUS,

Petitioner,

v.

Robert L. AYERS Jr., Warden of San Quentin
 State Prison,

Respondent.

Case Number 3-93-cv-594-TEH

DEATH-PENALTY CASE

ORDER REGARDING DOCUMENTS
 REVIEWED IN CAMERA,
 DIRECTING FILING OF CASE-
 MANAGEMENT STATEMENT, AND
 DESIGNATING ACTION FOR
 ELECTRONIC CASE FILING

As ordered by the Court, the parties have submitted for review in camera documents contained in Petitioner's trial counsel's files and the District Attorney's files that they declined to make available to each other for inspection and copying, and they have filed notices in which they itemized and described generally such documents and identified the bases on which they believe such materials are not properly subject to disclosure. The Court has reviewed these documents and the alleged bases for non-disclosure thoroughly and carefully. Good cause appearing therefor, the Court finds and concludes as follows.

Petitioner's Items 1–26, 28–30, and 32–44 are beyond the scope of the subject matter in the pending action and are not relevant. Petitioner need not disclose these documents.

Petitioner's asserted bases for non-disclosure of his Items 27 and 31 are insufficient to avoid disclosure: these documents are relevant and the Protective Order Regarding Privileged

1 Protected Materials entered in the present action resolves any concerns related to the work-
 2 product doctrine. Petitioner shall disclose these documents to Respondent within ten days after
 3 receipt of the present order.

4 Respondent's Items 1-2 and 8-20 are not protected from disclosure in the present action
 5 by the attorney-work-product doctrine because they are or are recordings of communications
 6 between Respondent's counsel and a nonparty to the present action, Timothy M. Frawley, Esq.,
 7 of the Office of the District Attorney of Sacramento County. Respondent shall disclose these
 8 documents within ten days after receipt of the present order.

9 The Protective Order Regarding Privileged Protected Materials entered in the present
 10 action resolves the privacy concerns that underlie Respondent's asserted bases for non-disclosure
 11 of his Items 3-7. Respondent shall disclose these documents within ten days after receipt of the
 12 present order.

13 The parties shall meet and confer and, within thirty days after receipt of the present order,
 14 shall file a joint case-management statement including any updated proposed schedule or
 15 schedules.

16 Pursuant to General Order 45, the present action is hereby designated for Electronic Case
 17 Filing. Information regarding the ECF program and its requirements may be found online at
 18 ecf.cand.uscourts.gov. A copy of all documents submitted to and communications with the
 19 Court that cannot be submitted through ECF shall be provided to G^{eo} O. Kolombatovich, Death
 20 Penalty Staff Attorney, United States District Court for the Northern District of California, 450
 21 Golden Gate Avenue, Box 36060, San Francisco, CA 94102-3489, +1 415 522 2718, +1 415
 22 522 4754 (fax), g_o_kolombatovich@cand.uscourts.gov.

23 *It is so ordered.*

24
 25
 26 DATED: April 17, 2007



 THELTON E. HENDERSON
 United States Senior District Judge

Copies of Order mailed on _____ to:

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Jeannie S. Sternberg, Esq.
Lorena M. Chandler, Esq.
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